

GAHC010169322024



2026:GAU-AS:8709

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./77/2024

MOUTUSHI SEN (DEB)
D/O- MIHIR KANTI SEN,
W/O- SAUMYABRATA DEB,
R/O- HOSPITAL ROAD, WARD NO-13,
NEAR PUBLIC SCHOOL ROAD BYE LANE,
P.O AND DIST- KARIMGANJ, ASSAM, PIN-788710

VERSUS

SAUMYABRATA DEB
S/O- SEKHAR KANTI DEB,
R/O- H.NO- 6, 2ND LINK ROAD (MAIN),
P.O AND P.S- SILCHAR, DIST- CACHAR, ASSAM

Advocate for the Petitioner : MR S DAS, P J DAS

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

17/06/2026

Learned counsel for the petitioner, Mr. S. Das is present.

The respondent is not represented today also.

- 2.** By an order dated 27.02.2026, this Court had observed that in absence of the respondent on the next date necessary orders will be passed.
- 3.** On 20.09.2024 one Ms. A. Borah submitted before this Court that she has been engaged by the respondent No.2 to appear in this case and that she would be filing her vakalatnama and also the written objection and she prayed for time. However, on 26.05.2025, when the matter was listed none appeared for the respondent.
- 4.** Also on 27.02.2026, none appeared for the respondent and accordingly, the order was passed by this Court to pass necessary orders on 27.02.2026.
- 5.** The learned counsel for the petitioner is present. Today also none appears for the respondent when the matter is called. Accordingly, the matter is taken up in the absence of the respondent.
- 6.** The instant application under Section 24 CPC has been filed praying for transfer of F.C (G/A) Case No.8/2024 from the Court of the Principal Judge, Family Court, Cachar at Silchar to the Court of District and Sessions Judge at Karimganj, now renamed as Sribhumi.

7. The learned counsel for the appellant submits that the petitioner and the opposite party got married on 24.11.2017 by performing Hindu Rights and Rituals. The said marriage was later registered on 05.05.2018 before the office of Marriage Officer, Cachar at Silchar.

8. After the marriage, the petitioner and the opposite party lived together in the Matrimonial home and started their conjugal life. Out of the said wedlock, a girl child was born to them on 15.11.2018. But in the month of May, 2022, another lady came to their house and started living with them. The opposite party welcomed the said lady as his relative. However, from that period, an unacceptable intimacy was developed between her husband and the said lady.

9. In view of the developments as stated above, the petitioner had filed Misc. (Domestic Violence) Case No.29/2024 before the Sub-Divisional Judicial Magistrate(S) at Karimganj. Further the petitioner came to know that the opposite party had filed a petition under the Guardians and Wards Act 189 for custody and guardianship of their minor daughter which was registered as F.C(G/A) Case No.8/2024. The petitioner states that the F.C(G/A) Case No.8/2024 is still pending before the court of Principal Judge, Family Court, Cachar at Silchar.

10. Being aggrieved by the institution of the F.C(G/A) Case No.8/2024 before the Court of Principal Judge, Family Court, Cachar at Silchar, the petitioner has preferred this instant application on the ground that she has no source of income and she residing with her father in her father's house along with her minor daughter. Moreover, the petitioner and her minor daughter being totally dependent upon her father it is impossible for the petitioner to bear the extra expenses of travelling to the Family Court, Cachar at Silchar, to appear in the

said F.C(G/A) Case No.8/2024.

11. It is submitted that the opposite party on the other hand is a government servant and he is a well to do person. And there would be no difficulty for him to appear in the case before the District and Sessions Judge, Karimganj/ Sribhumi.

12. The Court has considered the submission of the learned counsel for the petitioner and perused the pleadings. In view of the facts and circumstances as stated in the pleadings which remains un-rebutted as the respondent has failed to appear, the said F.C(G/A) Case No.8/2024 pending before the Principal Judge, Family Court, Cachar at Silchar, is transferred to the Court of District and Sessions Judge, Karimganj/ Sribhumi. The Principal Judge, Family Court, Cachar at Silchar, is directed to transmit the records of the F.C(G/A) Case No.8/2024 to the court of District and Sessions Judge, Karimganj/Sribhumi.

13. The parties shall appear before the Court of the District and Sessions Judge, Karimganj/Sribhumi on 4th August, 2026.

14. The Registry is also directed to forward a copy of this Court to the learned Principal Judge, Family Court, Cachar at Silchar.

15. Petition stands disposed.

JUDGE

Comparing Assistant